

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENISE A. CERNY,

Defendant.

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8:08CR39

ORDER

This matter is before the court on the motion to continue by the government (Filing No. 40). After a conference with counsel by the courtroom deputy, both parties seek a continuance of the trial of this matter because of the unavailability of essential expert witnesses. The parties are in agreement on a trial date for April 6, 2009. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. The motion to continue trial (Filing No. 40) is granted.
2. Trial of this matter is re-scheduled for **April 6, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 28, 2009 and April 6, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that essential witnesses will be unavailable for trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(A).

DATED this 28th day of January, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge